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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Lotspiech	)	Art Unit: 2134
	)	
Serial No.: 10/042,652	)	Examiner: Berger
	)	
Filed: January 8, 2002	)	ARC920010090US1
	)	
For: METHOD FOR ENSURING CONTENT	)	April 17, 2006
PROTECTION AND SUBSCRIPTION	)	750 B STREET, Suite 3120
COMPLIANCE	)	San Diego, CA 92101
	)	

REPLY BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This Reply brief responds to the Examiner's Answer dated April 14, 2006.

Appellant has observed that the adjective "session" in the claims must mean something, but that the examiner has deprived the word of meaning by dismissing it as a mere "title" that safely can be ignored particularly since it is "not defined in the claim". He thus has read the limitation out of the claim. Ignoring Appellant's point that left unexplained in the rejection is how "session" is being interpreted to read on a key CAK that apparently does not change, the evidentiary basis for that interpretation, and why one skilled in the art would accord the channel access key of Richards the meaning of a "session key", the Answer blandly states that "limitations in the specification are not to be read into the claims", as though that non-sequitur somehow relieves the examiner from making a finding of fact based on evidence of record that the skilled artisan understands the term "session" to be as meaningless as the examiner regards it. The Answer simply

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alleges, without a shred of prior art evidence in support, that the skilled artisan sees things the examiner's way.

The Answer completely misses the point about Richards vis-a-vis Claim 44. Appellant has observed that Richards states only the three components that are combined to render the UEV, without discussing when the components are received or combined, much less that anything occurs upon registration. To this, the Answer responds that the features upon which Appellant is relying are not in the claims, apparently unaware that Appellant was discussing the paucity of teaching in Richards and why that lack of teaching failed to result in Claim 44, which recites language *that is in the claim* including, e.g., receiving private information  $I_u$  *upon registration*, subscribing to a content channel, receiving an encrypted channel key  $K_c$  in response to subscribing to the channel, and deriving the channel key  $K_c$  using the information  $I_u$ . None of the limitations have been adequately treated by the examiner, who instead appears to be obsessed with finding a word or phrase in an argument about a reference and if the word or phrase is not in the claim, ignoring the entire argument including the gaping holes in the *prima facie* case that the argument exposes.

Appellant has argued that Richards fails to support the allegation that its control channel key CCU is received in response to subscribing to a channel - and the Answer unwittingly agrees, stating only that somehow the customer obtains a key without alleging (because it cannot be alleged) that Richards teaches obtaining a key upon subscription.

Appellant has observed that nothing in the rejection appears to identify where the claimed session block is in Richards. That's pretty specific, yet the Answer responds that "the appellant is not specifically identifying features that are not taught", apparently proposing that triple-DES encryption would be regarded as a key block. If that is the case, where is the evidence in support? The examiner fails to (1) articulate any

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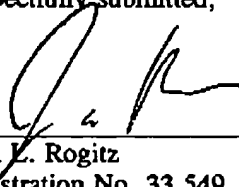
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meaningful interpretation he is giving to claim terms, beyond an unstated but quite evident general purpose interpretation rule that every claim term is interpreted to be "broad enough to cover whatever is found in the references", and (2) explain why the overly broad interpretations comport with MPEP §2111.01, which requires that claims must be interpreted as one skilled in the art interprets them. Just saying that triple-DES is considered by skilled artisans to be some kind of "block" is woefully insufficient, without evidentiary support.

The examiner decrees that "there are no limits to the number of rejections" in response to Appellant's noting that the MPEP indeed advises avoiding cumulative rejections. Perhaps the conferees would like to let the MPEP branch know.

There is no need to comment on the weak responses of the conferees to Appellant's detailed analysis of why proposed combinations of various references are not suggested, other than to observe that the requirement for making a *prima facie* case extends beyond citing case law and then promptly misapplying it.

Respectfully submitted,



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